IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ZEM ZEM SHRINERS, A.A.O.N.M.S., an unincorporated association,)
Plaintiff) C.A. No. 05-57E
v.) JURY TRIAL DEMANDED
PATRICK H. SCHWINDT, an adult individual,)
Defendant/Third Party Plaintiff)
v.)
GEORGE HEPLER, DAVID SCHICK, AND DUANE WILLEY)
Third-Party Defendants)

NOTICE OF APPEAL

Notice is hereby given that Patrick H. Schwindt, Defendant/Third Party Plaintiff above named, hereby appeals to the United States Court of Appeals for the Third Circuit from the Order entered in this action on the 27th day of June, 2005.

Respectfully submitted,

AMBROSE, FRIEDMAN and WEICHLER

BY

Philip B. Friedman, Esquire

Attorney for Defendant/Third Party

Plaintiff

319 West 8th Street

Erie, Pennsylvania 16502

814/452-3069

Supreme Court I.D. # 27554

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Appeal was served by United States First Class Mail, postage prepaid, upon:

Richard Lanzillo, Esquire Counsel for Zem Zem Shriners 120 West 10th Street Erie, Pennsylvania 16501

John Fessler, Esquire Counsel for George Hepler 300 State Street - Suite 300 Erie, Pennsylvania 16507

David Schick 628 Glenruadh Avenue Erie, PA 16505

Duane Willey 10170 Crane Street Cranesville, PA 16410

Philip B. Friedman, Esquire

Date: July 7, 2005